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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/892,513      | 06/28/2001  | Jean-Rene Rousseau   | Q65197              | 5561             |

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT PAPER NUMBER

2681

*Handwritten signature/initials*

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/892,513

Applicant(s)

ROUSSEAU ET AL.

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: the phrase "said transmitter-receiver station" in line 7 should be --said first transmitter-receiver-- and the word each in line 8 should be deleted. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmgren (WO 94/28684) in view of Bishop, Jr. et al. (6,002,929).

Regarding claim 1, Palmgren teaches a cellular mobile telephone system usable on board an aeroplane (i.e., a mobile terminal having the function of telephone connected to a portable computer, page 4, lines 21-29 and page 4, line 33 to page 5, line 6), the system (fig. 2, item 8) including: a first transmitter-receiver station (typically connected to TFTS) on board said vehicle (9) and connected to an antenna external (15) to said vehicle to establish an external radio link between said vehicle and a terrestrial mobile telephone network (page 9, lines 20-35), and means in said vehicle for coupling portable mobile telephone terminals inside said vehicle to said transmitter-receiver station (i.e., wireless connecting means 4, page 9, lines 9-14), said means

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including at least one base station system with an antenna (inherently the BTS is coupled to an antenna) said vehicle and a base station controller (BSC) connected to the base station system (BTS) and to said first transmitter-receiver station (which is connected to TFTS), said controller and said base station system having functions analogous to those of a base station system in a standard mobile telephone network (i.e., BSC, BTS, and MSC can function as a single unit illustrated as network 11) , wherein said base station controller comprises means for transferring charging data to the terrestrial mobile telephone network via an interface (i.e., the charging basis is transferred from aeroplane to an interface which not limited to a particular one, page).

Palmgren does not specifically transferring charging data to the ground station over the radio link.

However, the preceding limitation is known in the art of communications. Bishop, Jr. teaches transmitting instructions over the air to transfer billing activity from one SIM to another SIM of a user of a mobile station on-board an aircraft (col. 9, lines 32-42). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Bishop, Jr. within the system of Palmgren in order that a one-to-one correspondence between SIMs and transceivers is not continuously required, and a pool of transceivers may be efficiently used to securely provide public communication services for greater number of users (col. 9, lines 44-53).

Regarding claim 3, Palmgren in view of Bishop, Jr. teaches all the limitations above. Palmgren further teaches wherein a base station system includes means

enabling said portable mobile telephone terminals inside said vehicle to send and receive data (page 9, line 5 to page 10, line 15).

Regarding claim 4, Palmgren in view of Bishop, Jr. teaches all the limitations above. Palmgren further teaches wherein a base station system includes means enabling portable mobile telephone terminals inside said vehicle to set up calls between them (i.e., fig. 1 includes a BTS which is capable to support a plurality of MS and permit the MS to communicate between them).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmgren (WO 94/28684) in view of Bishop, Jr. et al. (6,002,929) further in view of Sinivaara (US 6,055,425).

Regarding claim 2, Palmgren in view of Bishop, Jr. teaches all the limitations above except wherein said external radio link is relayed by at least one satellite.

However, the preceding limitation is known in the art of communications. Sinivaara teaches a cellular system in which users on-board of an aircraft transmit and receive message to/from ground station via a satellite (col. 2, lines 13-27). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Sinivaara within the system of Palmgren and Bishop, Jr. in order that the base transceiver (BTS) is connected to an Aeronautical Earth Station within the aircraft for transmitting and receiving signals via satellite to a ground earth station.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zicker (US 5,995,833) teaches telecommunication services are provided to subscriber-provided radiotelephones residing inside an aircraft.

Schultz et al. (US 6,345,186) teaches a mobile base station which is arranged within the mobile vehicle to provide service to at least one cell.

Gilhousen (US 5,519,761) teaches airborne radiotelephone communications system.

Bhagat et al. (US 5,438,610) teaches method for establishment a communication link between a ground-base caller and a passenger on board an aircraft.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
April 17, 2004

**JEAN GELIN**  
**PATENT EXAMINER**

*Jean Aland Gelin*